US Army Corps of Engineers
Portland District

Informational Public Notice

Corps of Engineers and National Marine Fisheries Service: Project Design Overview for Road, Culvert, Bridge, and Utility Line Projects

National Marine Fisheries Service
Northwest Region

Issue Date: August 14, 2009

Statutory Requirements: The Portland District Corps of Engineers' (Corps) Regulatory Program evaluates applications for Department of the Army (DA) permits to perform work in "waters of the United States" throughout the State of Oregon. The Corps regulatory authorities are found in the following:

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Section 103, Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413), for the transport of dredged material for the purpose of dumping it into ocean waters.

In exercising its regulatory responsibilities, the Corps must ensure its permit decisions comply with other applicable Federal laws including the **Endangered Species Act** (ESA) and the **Magnuson-Stevens Fishery Conservation and Management Act** (MSA). Both Acts require the Corps to consult with the National Marine Fisheries Service (NMFS) to ensure any action authorized is not likely to jeopardize the continued existence of species listed under the ESA or destroy or adversely modify the designated critical habitat or essential fish habitat (EFH) of these species.

Programmatic ESA Coverage: Some transportation projects may have ESA and MSA coverage through a programmatic consultation between the Corps and NMFS titled "Revision to Standard Local Operating Procedures for Endangered Species to Administer Maintenance or Improvement of Road, Culverts, Bridge and Utility Line Actions Authorized or Carried Out by the U.S. Army Corps of Engineers in Oregon" (SLOPES IV Roads, Culverts, Bridges and Utility Lines)" dated February 25, 2008. **Designing your project to conform to these standards and providing the information specified will help expedite the agencies' review even if it is not covered by this programmatic consultation. Detailed construction implementation plans may be required.**

1. **Determine Whether Fish Are Present:** Nearly all anadromous fish-bearing streams within the Corps' jurisdiction are occupied by ESA-listed salmon and steelhead and are designated as EFH for Chinook salmon and coho salmon. Green sturgeon are found in marine waters and in the lower estuaries.

2. Designing the Project: In general applicants are expected to design their projects to minimize adverse impacts to the aquatic environment. No structure, fill or activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area. Culverts must be installed to pass expected high flows and to maintain low flow conditions.

The following types of projects may be covered by the programmatic consultation:

- **Major Hazard Response** to complete an unplanned, immediate or short-term repair of a road, culvert, bridge, or utility line.

- **Streambank and Channel Stabilization** to ensure that roads, culverts, bridges and utility lines do not become hazardous due to the long-term effects of toe erosion, scour, subsurface entrainment, or mass failure.

- **Channel Stabilization by Filling Local Scour Holes with Rock** to prevent damage to a culvert, road, or bridge foundation.

- **Slope Stabilization with Rock** to provide a footing, facing, head wall, or other protection constructed with rock to prevent scouring or downcutting, or fill slope erosion or failure at an existing culvert or bridge.

- **Maintenance, Rehabilitation, and Replacement** to ensure that roads, culverts and bridges remain safe and reliable for their intended use without impairing fish passage, to extend their service life, and to withdraw temporary access roads from service in a way that promotes watershed restoration when their usefulness has ended.

- **Permanent Stream Crossing Replacement** to maintain or restore floodplain functions.

- **Utility Line Stream Crossings** to install, maintain, rehabilitate, or replace pipes or pipelines used to transport gas or liquids, including new or upgraded stormwater outfalls, and cables, or lines or wires used to transmit electricity or communication.

3. Assess Your Construction Techniques and Develop Contingencies: The following assessments and plans must be included in your application package. The level of detail necessary will depend upon the nature and scope of your action:

a. Site Assessment for Contaminants. Sites where substantial earthmoving is proposed must be assessed for potential contamination. Applicants should review readily available records to determine former use and for record of any prior contamination sources. The assessment must describe the type, quantity, and extent of any contaminates believed or known to be present, if none please state.

b. Construction Staging and Vehicle Fueling Locations: Identify the location of staging areas. All vehicles and other heavy equipment must be stored, fueled, and maintained in a staging area placed 150 feet or more from any waterbody or wetland and be inspected daily for fluid leaks before leaving the staging area.

c. Work Area Isolation Plan: A work area within the wetted channel will be completely isolated from the active stream whenever a fish is reasonably certain to be present, or if the work area is 300 feet or less upstream from spawning habitats. Boulder placement and large wood restoration actions are exempted from this requirement. The Plan must contain the following: (a) the name, phone number, an address of the person responsible for accomplishing each plan component; (b) an estimate of likely stream flows during isolation; (c) a plan view of all isolation elements and fish release areas; (d) a list of equipment and materials necessary to complete the plan, including a fish screen; and (e) the sequence and schedule of dewatering and re-watering activities. Pumps must have screens which meet NMFS criteria (NMFS 1996).

d. Erosion and Pollution Control Plan. The Plan shall contain the following information: (a) the name, phone number, an address of the person responsible for accomplishing the plan; (b) best management practices to confine vegetation and soil disturbance to the minimum area, and minimum length of time, as necessary to complete the action, and otherwise prevent or minimize erosion associated with the action; and (c) best management practices to confine, remove, and dispose of construction waste, including every type of debris, discharge water, concrete, cement, grout, washout facility, welding slag, petroleum product, or other hazardous materials generated, used, or stored onsite.

e. Site Restoration Plan. The plan must include drawings. Any large wood, native vegetation, topsoil, and native channel material displaced by construction will be stockpiled for use during site restoration. When construction is finished, all streambanks, soils, and vegetation will be cleaned up and restored as necessary to renew ecosystem processes that form and maintain productive fish habitats. Fencing will be installed as necessary to prevent access to revegetated sites by livestock or unauthorized persons.

Questions regarding the Corps' Regulatory Program should be directed the Corps project manager assigned to the county in which the project is located. A list of the telephone numbers by county assignment is attached and may be found at: https://www.nwp.usace.army.mil/op/g/home.asp.

Regulatory Staff Contacts

Application Review Section (Portland)

Section Chief (503) 808-4385

Project Manager – Clatsop, Tillamook Counties (503) 808-4392

Project Manager – Morrow, Umatilla, Union, Wallowa, Grant, Baker, Malheur, Gilliam, and Wheeler Counties (541) 962-0401

Project Manager – Sherman, Hood River, Wasco, and Jefferson Counties (503) 808-4391

Project Manager – Columbia and Lincoln Counties (503) 808-4376

Project Manager – Clackamas and Marion Counties (503) 808-4398

Project Manager – Washington, Yamhill, and Polk Counties (503) 808-4368

Project Manager – Multnomah County, Port of Portland, and Port of Vancouver (503) 808-4386

Application Review Section (Eugene)

Section Chief (541) 465-6877

Project Manager – Linn, Jackson, and Lake Counties (541) 465-6878

Project Manager – Benton and Lane Counties (541) 465-6769

Project Manager – Douglas and Josephine Counties (541) 465-6882

Project Manager – Deschutes, Crook, and Klamath Counties (541) 465-6765

Project Manager – Curry, Coos, and Coastal Lane Counties (541) 756-2097

Project Manager – Harney County

Policy and Compliance Section

Section Chief (503) 808-4377

Project Manager – Clatsop, Washington, Lincoln, Marion, Jefferson, Gilliam, Morrow, Umatilla, Union, Wallowa, Wheeler, Grant, and Baker Counties– (503) 808-4389

Project Manager – Columbia, Multnomah, Hood River, Sherman, Tillamook, Yamhill, Polk, Clackamas, and Wasco Counties (503) 808-4387

Project Manager – Benton, Linn, Lane, Deschutes, Crook, Klamath, Lake, Harney, and Malheur Counties (541) 465-6894

Project Manager – Coos, Curry, Douglas, Josephine, Jackson, and Coastal Lane Counties (541) 756-5316

Project Manager – Jurisdictional Specialist (503) 808- 4381

Project Manager – Special Projects (503) 808-4382

Project Manager – Mitigation (503) 808-4383

Statewide ODOT Permit Coordinator

ODOT Permit Coordinator – Region 1 & 3 (503) 808-4390

ODOT Permit Coordinator – Region 2 & 4 (503) 808-4379